

# DRAFT ECA CODE PUBLIC REVIEW:

## SHORELINE ISSUES

### Draft Shoreline ECA Requirements

	<b>Water Dependent and Water Related Uses</b> (defined on page 3)	<b>Non-Water Dependent/ Non- Water Related Uses</b>
<b>Fish and Wildlife Habitat Conservation Area Buffer</b>	<p><u>Buffer</u> The proposed critical area buffer is 100 feet from the ordinary high water mark (OHWM). If there is an impact to the ecological function of the critical area or buffer then mitigation shall be required to develop in the buffer. If there is no harm to the ecological function of the critical area or buffer then development is allowed and no mitigation is required. This means that when no vegetation removal and/ or no increase in impervious surface occurs within 100 feet of the OHWM at the site then no mitigation is required.</p> <p><u>Mitigation for impacts in the buffer</u> Mitigation will usually consist of native plantings along the shoreline, but may consist of other actions, such as a decrease in nearshore overwater coverage or bank softening.</p> <p>The following method for applying mitigation is proposed to be used until the City has developed ways of measuring and mitigating for lost ecological function through the Lake Union Shoreline Mitigation Plan and subsequent planning efforts:</p> <p style="padding-left: 40px;">1:1 ratio (area of impact to restored area) for mitigation on site or within a quarter mile along the shoreline.</p> <p style="padding-left: 40px;">3:1 ratio for mitigation farther along the shoreline. This may be reduced to 2:1 if shown that a monitoring program is in place to ensure that the mitigation will be successful. These ratios are based in part on the recently adopted King County CAO.</p>	<p><u>Buffer</u> 100 feet, but may reduce buffer to a minimum of 25 feet if impacts to the critical area and buffer are mitigated.</p> <p>No further expansion of lot coverage allowed within 25 feet of the shoreline, except via the provisions of the Shoreline Master Program SMC 23.60.198B and Director's Rule 4-89 regarding the determination of residential setbacks in the shoreline shall apply. These provisions allow for structures to be built in equal proximity to the shoreline as adjacent structures and shall supersede the provisions of ECA. Mitigation will be required for any impacts to ecological function.</p> <p>Existing development is grandfathered and remodels and additions that do not increase the building footprint are allowed.</p> <p><u>Mitigation for impacts in the buffer</u> Same as for water dependent uses.</p>

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<b>Bulkheads</b>	Allow a new bulkhead only when it is proved that it is necessary for the continued operation or expansion of a water dependent/ related use. Otherwise a bioengineered solution is required. Bioengineered solutions use plant and other natural materials to stabilize the shoreline.	Allow major repairs of an existing bulkhead only when it is shown that a bioengineered solution will not achieve the same level of property protection.
<b>Overwater Coverage</b>	Property owners must mitigate for new overwater coverage either on or off site. These activities are also regulated and mitigation is required, through SEPA, SMP and other agencies such as Washington State Fish and Wildlife, Ecology, US Army Corp and NOAA through ESA Section 7 consultations.	Align requirements for residential docks and piers with US Army Corp RGP 3 standards for Existing Residential Overwater Structures and Drive Moorage Piling whenever possible. This will expedite permitting as well as achieving an appropriate level of protection given the urbanized nature of the shoreline. Changes to the applicable sections of the Shoreline Master Program are not proposed.  Any allowed increase in overwater coverage will require mitigation.
<b>Eel Grass Bed Protection</b>	Eel grass beds are listed by WDFW as a "priority habitat" type in its Priority Habitats/ Species Program. As such, code provisions shall be aligned with WDFW requirements to protect eel grass (predominantly composed of native species Zostera Marina). Due to City (DPD, SPU) efforts, more information on the location of eel grass beds is nearing completion.	Same as for water dependent/ related uses.
<b>General Protection Provisions</b>	Maintain, with minor modifications, provisions already proposed in the draft code. These include measures to: prevent pesticides, fertilizers, fuels, and other toxic material from entering water bodies, minimize and treat surface water runoff, and reduce impervious surfaces.	
<b>Other Issues</b>		
<b>Subdivision Requirements</b>	Require that each new lot have a building site outside the ECA and buffer similar to the proposal for riparian corridors and other ECAs.	

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<b>ECA Tree and Vegetation Provisions</b>	Currently the ECA tree and vegetation standards are proposed to apply to riparian corridor buffers. The proposed shoreline buffer provisions require mitigation, typically planting of vegetation, to disturb vegetation. Therefore applying these standards would be confusing and duplicative in many circumstances. As such, do not apply these standards to shoreline buffers.
<b>Small Project Waiver</b>	Apply the proposed 150 square foot small project waiver provisions, requiring mitigation for impacts to projects within the shoreline ECA.
<b>Definition of Terms</b>	<p>From Shoreline Master Program Definitions (SMC 23.60.944)</p> <p><b>"Water-dependent use"</b> means a use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included: Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.</p> <p><b>"Water-related use"</b> means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.</p>